

IN THE SENATE

SENATE BILL NO. 1284, As Amended, As Amended

BY TRANSPORTATION COMMITTEE

AN ACT

RELATING TO SPEED LIMITS ON INTERSTATE AND OTHER HIGHWAYS; AMENDING SECTION 49-654, IDAHO CODE, TO ALLOW AN INCREASED SPEED LIMIT ON HIGHWAYS IF CERTAIN CIRCUMSTANCES OCCUR; AMENDING SECTION 49-201, IDAHO CODE, TO ALLOW AN INCREASED SPEED LIMIT ON HIGHWAYS IF CERTAIN CIRCUMSTANCES OCCUR; AND AMENDING SECTION 49-207, IDAHO CODE, TO PROVIDE AN INCREASED SPEED LIMIT ON HIGHWAYS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 49-654, Idaho Code, be, and the same is hereby amended to read as follows:

49-654. BASIC RULE AND MAXIMUM SPEED LIMITS. (1) No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. Consistent with the foregoing, every person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching a hillcrest, when traveling upon any narrow or winding highway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.

(2) Where no special hazard or condition exists that requires lower speed for compliance with subsection (1) of this section the limits as hereinafter authorized shall be maximum lawful speeds, and no person shall drive a vehicle at a speed in excess of the maximum limits:

(a) Thirty-five (35) miles per hour in any residential, business or urban district, unless otherwise posted in accordance with section 49-207(2) or (3), Idaho Code;

(b) Seventy-five (75) miles per hour on interstate highways provided that this speed may be increased to eighty (80) miles per hour if the department completes an engineering and traffic study on the interstate highway and concludes that the increase is in the public interest and the transportation board concurs with such conclusion;

(c) Sixty-five (65) miles per hour on state highways provided that this speed may be increased to seventy (70) miles per hour if the department completes an engineering and traffic study on the state highway and concludes that the increase is in the public interest and the transportation board concurs with such conclusion;

(d) Fifty-five (55) miles per hour in other locations unless otherwise posted up to a maximum of ~~sixty-five~~ seventy (65/70) miles per hour.

(3) ~~The maximum lawful speed limit on interstate highways shall not exceed sixty five (65) miles per hour f~~For vehicles with five (5) or more axles operating at a gross weight of more than twenty-six thousand (26,000) pounds the maximum lawful speed limit on interstate highways in nonurban

1 areas shall not exceed ten (10) miles per hour less for vehicles with less  
 2 than five (5) axles and operating at a gross weight of twenty-six thousand  
 3 (26,000) pounds or less, and in urban areas the maximum lawful speed limit on  
 4 interstate highways for such vehicles shall not exceed sixty-five (65) miles  
 5 per hour.

6 SECTION 2. That Section 49-201, Idaho Code, be, and the same is hereby  
 7 amended to read as follows:

8 49-201. DUTIES OF BOARD. (1) With the exception of requirements for  
 9 sections 49-217 and 49-218 and chapters 6 and 9, title 49, Idaho Code, which  
 10 shall be the responsibility of the director of the Idaho state police, and  
 11 section 49-447, Idaho Code, which shall be the responsibility of the di-  
 12 rector of the department of parks and recreation, the board shall adopt  
 13 and enforce administrative rules and may designate agencies or enter into  
 14 agreements with private companies or public entities as may be necessary to  
 15 carry out the provisions of this title. It shall also provide suitable forms  
 16 for applications, registration cards, vehicle licenses, and all other forms  
 17 requisite for the purpose of the provisions of this title, and shall prepay  
 18 all transportation charges.

19 (2) The board may enter into agreements, compacts or arrangements with  
 20 other jurisdictions on behalf of Idaho for the purpose of conforming proce-  
 21 dures for proportional registration of commercial vehicles and other types  
 22 of reciprocal agreements. Copies of agreements, compacts or arrangements  
 23 shall be placed on file in the department and the board shall, as to all fil-  
 24 ings and adoption, conform with the provisions of chapter 52, title 67, Idaho  
 25 Code. The board may approve, on a case-by-case basis, exemption from oper-  
 26 ating fees for private nonprofit entities who are bringing public interest  
 27 programs into the state. These entities may not be in competition with com-  
 28 panies who transport goods and services for hire.

29 (3) The board shall adopt a manual and specifications for a uniform sys-  
 30 tem of traffic-control devices consistent with the provisions of this title  
 31 for use upon highways within the state. The uniform system shall correlate  
 32 with and, so far as possible, conform to the system set forth in the most re-  
 33 cent edition of the manual on uniform traffic-control devices for streets  
 34 and highways and other standards issued or endorsed by the federal highway  
 35 administrator.

36 (4) Whenever the board shall determine upon the basis of an engineer-  
 37 ing and traffic investigation that any maximum speed is greater or less than  
 38 is reasonable or safe under the conditions found to exist at any intersec-  
 39 tion or other place or upon any part of the state highway or interstate high-  
 40 way system, the board may determine and declare a reasonable and safe maxi-  
 41 mum limit, thereat, not exceeding a maximum limit of seventy-five (75) miles  
 42 per hour on interstate highways provided that this speed may be increased  
 43 to eighty (80) miles per hour if the department completes an engineering and  
 44 traffic study on the interstate highway and concludes that the increase is in  
 45 the public interest and the transportation board concurs with such conclu-  
 46 sion and sixty-five (65) miles per hour on state highways provided that this  
 47 speed may be increased to seventy (70) miles per hour if the department com-  
 48 pletes an engineering and traffic study on the state highway and concludes  
 49 that the increase is in the public interest and the transportation board con-

curs with such conclusion, which shall be effective when appropriate signs giving notice are erected. The speed limit may be declared to be effective at all times or at the times as indicated upon the signs. Differing limits may be established for different times of day, different types of vehicles, varying weather conditions, and other factors bearing on safe speeds, which shall be effective when posted upon appropriate fixed or variable signs.

(5) The board shall adopt and enforce rules as may be consistent with and necessary to determine the classification of and the basis on which fees shall be computed.

SECTION 3. That Section 49-207, Idaho Code, be, and the same is hereby amended to read as follows:

49-207. MUNICIPAL REGISTRATION PROHIBITED -- POWER TO ENACT REGULATORY ORDINANCES NOT ABOLISHED. (1) Authorities of counties and cities shall have no power to pass, enforce or maintain any ordinance requiring, from any owner of a vehicle or any dealer to which this title shall be applicable, any tax, license or permit for the free use of the public highways of a county or city, or prohibiting or excluding any owner or dealer from the free use of such highways or excluding or prohibiting any vehicle registered in compliance with the provisions of this title from the free use of the highways. Powers given by general statutes to local authorities in cities to enact general ordinances applicable equally and generally to all vehicles and the use of highways to bring about the orderly passage of vehicles upon certain highways in such cities where the traffic is heavy and continuous, and powers given to cities to regulate vehicles offered to the public for hire, or processions, assemblages or parades on the highways or in public places shall remain in full force and effect, and all ordinances which may have been or which may be enacted in pursuance of those powers shall remain in full force and effect. These provisions of law shall not be construed to prevent cities from enacting and enforcing general ordinances prescribing additional requirements as to speed, manner of driving or operating vehicles on any of the highways of such cities, and prescribing other requirements pertaining to signals to be given by drivers or operators of motor vehicles, the carrying of lights on motor vehicles, the turning of motor vehicles on highways, and requirements for motor vehicles in passing other vehicles and pedestrians.

(2) Whenever local authorities in their respective jurisdictions determine on the basis of an engineering or traffic investigation, and the residential, urban or business character of the neighborhood abutting the highway in a residential, business or urban district that the speed limit permitted under this title is greater than is reasonable and safe under the conditions found to exist upon a highway or part of a highway or because of the residential, urban or business character of the neighborhood abutting the highway in a residential, business or urban district, the local authority may determine and declare a reasonable and safe maximum limit which:

- (a) Decreases the limit within a residential, business or urban district;
- (b) Increases the limit within a nonresidential area of an urban district but not to more than ~~sixty-five~~ seventy (65/70) miles per hour; or
- (c) Decreases the limit outside an urban district.

1           (3) Local authorities in their respective jurisdictions shall deter-  
2 mine by an engineering or traffic investigation the proper maximum speed not  
3 exceeding a maximum limit of ~~sixty-five~~ seventy (~~65~~70) miles per hour for  
4 all arterial highways and shall declare a reasonable and safe maximum limit  
5 which may be greater or less than the limit permitted under this title for an  
6 urban district.

7           (4) Any altered speed limit established shall be effective at all times  
8 or during hours of darkness or at other times as may be determined when ap-  
9 propriate signs giving notice are erected upon the highway. Any alteration  
10 of maximum limits on state highways or extensions in a municipality by local  
11 authorities shall not be effective until the alteration has been approved by  
12 the department. Provided however, that any alteration of speed limits must  
13 be based upon a traffic engineering study approved by the department and com-  
14 pleted according to department standards. The alteration of speed limits by  
15 local authorities shall be done in consultation with the department. In the  
16 event of disagreement between the department and local authorities, the de-  
17 partment traffic study shall be adopted, unless the local government traf-  
18 fic study is submitted to the Idaho transportation department board and the  
19 board adopts the local study in whole or in part.